

AMENDED IN SENATE JULY 1, 2010  
AMENDED IN ASSEMBLY APRIL 29, 2010  
AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2515**

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**Introduced by Assembly Member V. Manuel Pérez**

February 19, 2010

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An act to amend Section 116380 of the Health and Safety Code, relating to drinking water, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2515, as amended, V. Manuel Pérez. ~~Local government; environmental health departments.~~ *Public water systems: point-of-use treatment.*

~~Existing law authorizes local government agencies, in conjunction with other public entities, to organize and operate local public health services within their jurisdictional areas. These services may include implementing projects and policies pertaining to water conservation and water quality.~~

Existing law, the California Safe Drinking Water Act, provides for the operation of public drinking water systems, and requires the State Department of Public Health to adopt regulations for these purposes, as prescribed. Under existing law, regulations adopted by the department are required to include requirements governing the use of point-of-entry and point-of-use treatment by public water systems in lieu of centralized treatment, where feasible.

This bill would *make findings and declarations relating to groundwater contamination in Coachella Valley, and would authorize the department to develop ~~criteria~~ emergency regulations governing the permitted use of point-of-use treatment by public water systems in lieu of centralized treatment, as specified, and to ~~utilize these criteria~~ would require that these emergency regulations remain in effect until the earlier of January 1, 2014, or the effective date of the required nonemergency regulations.*

~~This bill would make findings and declarations relating to the groundwater contamination in the Coachella Valley.~~

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares both of the  
2 following:

3 (a) The arsenic contamination groundwater problem in the  
4 southeastern Coachella Valley in Riverside County is largely  
5 naturally occurring and is ~~getting progressively worse~~ *creating*  
6 *barriers to accessing safe drinking water.*

7 (b) There are many limitations to providing the small,  
8 unincorporated communities in the Coachella Valley access to  
9 safe drinking water.

10 SEC. 2. Section 116380 of the Health and Safety Code is  
11 amended to read:

12 116380. (a) In addition to the requirements set forth in Section  
13 116375, the regulations adopted by the department pursuant to  
14 Section 116375 shall include requirements governing the use of  
15 point-of-entry and point-of-use treatment by public water systems  
16 in lieu of centralized treatment where it can be demonstrated that  
17 centralized treatment is not immediately economically feasible,  
18 limited to the following:

19 (1) Water systems with less than 200 service connections.

20 (2) Usage allowed under the federal Safe Drinking Water Act  
21 and its implementing regulations and guidance.

1 (3) Water systems that have submitted preapplications with the  
2 State Department of Public Health for funding to correct the  
3 violations for which the point-of-use treatment is provided.

4 (b) ~~The department may develop criteria~~ *shall adopt emergency*  
5 *regulations governing the permitted use of point-of-use treatment*  
6 *by public water systems in lieu of centralized treatment. These*  
7 *criteria shall not be subject to treatment.*

8 *(1) The emergency regulations shall comply with Section*  
9 *116552, and shall comply with all of the requirements set forth in*  
10 *subdivision (a) applicable to nonemergency regulations, but shall*  
11 *not be subject to the rulemaking provisions of the Administrative*  
12 *Procedure Act (Chapter 3.5 (commencing with Section 11340) of*  
13 *Part 1 of Division 3 of Title 2 of the Government Code) and shall*  
14 *be subject to the following limitations: Code). The emergency*  
15 *regulations shall take effect when filed with the Secretary of State,*  
16 *and shall be published in the California Code of Regulations.*

17 ~~(1)~~

18 ~~(2) The department may utilize these criteria~~ *emergency*  
19 *regulations adopted pursuant to this subdivision shall remain in*  
20 *effect until the earlier of January 1, 2014, or the effective date of*  
21 *regulations adopted pursuant to this section subdivision (a).*

22 ~~(2) The department shall publish the criteria on its Internet Web~~  
23 ~~site and shall provide the opportunity for public review and~~  
24 ~~comment, including at least one public hearing conducted upon~~  
25 ~~no fewer than 20 days' notice.~~

26 ~~(3) The criteria shall incorporate the limitations described in~~  
27 ~~paragraphs (1) to (3), inclusive, of subdivision (a).~~

28 ~~(4) The criteria shall incorporate the public hearing required~~  
29 ~~under Section 116552.~~

30 *SEC. 3. This act is an urgency statute necessary for the*  
31 *immediate preservation of the public peace, health, or safety within*  
32 *the meaning of Article IV of the Constitution and shall go into*  
33 *immediate effect. The facts constituting the necessity are:*

34 *In order to ensure the quality of drinking water relating to*  
35 *point-of-use treatment, it is necessary that this act take effect*  
36 *immediately.*